

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

FREE CONFERENCE ON SB 33

Call to Order: By **SENATOR FRED THOMAS**, on April 13, 1999 at
10:07 A.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Fred Thomas
Sen. Steve Doherty
Sen. Lorents Grosfield
Rep. Steve Vick
Rep. Edith Clark
Rep. Red Menahan

Members Excused: None.

Members Absent: None.

Staff Present: Phoebe Olson, Secretary
Valencia Lane, Legislative Services Division

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Free Conference Committee on SB 33

SENATOR THOMAS, opened the meeting.

REPRESENTATIVE MENAHAN, said he would like to leave the bill as it was.

SENATOR THOMAS, said he was concerned with the language that precluded any out-of-state prisoners being sent to any private prison.

REPRESENTATIVE MENAHAN, said he was not opposed to putting language in that said "other than state facilities".

SENATOR THOMAS said it may be possible to say "any private facility authorized as of today".

REPRESENTATIVE VICK, said he thought the House did not want out-of-state inmates in any private prison.

SENATOR THOMAS, explained the discussion to those who arrived late.

REPRESENTATIVE VICK, said they had put an amendment on a similar bill last session before they even knew where the prison would be built.

REPRESENTATIVE MENAHAN, said he wouldn't want to stop someone from starting a prison and bringing in federal prisoners that are not within the state system.

Rick Day, Department of Corrections, said this wouldn't apply to a federal prison.

SENATOR THOMAS asked if under the current language it meant that an individual that was convicted in Federal Court in Montana could not go to a private prison in Montana.

Rick Day, said that was correct.

SENATOR THOMAS asked if they wanted to bar any other private facility from accepting out of state prisoners. He also was curious if they wanted a Montanan convicted by Federal Court not to be able to be placed in a private institution in Montana.

REPRESENTATIVE CLARK, said her intention was to have the language stipulate a prisoner tried and convicted in Montana for a crime committed in Montana. She did not specify state or federal.

SENATOR THOMAS, clarified that the intent was someone not convicted in Montana could not be placed in a private institution.

REPRESENTATIVE MENAHAN, asked Rick Day if someone in Montana was convicted in Federal Court if they could contact him to be placed in one of the state facilities, under this bill.

Rick Day, replied they could.

REPRESENTATIVE MENAHAN, said there might be more information if this was brought up next session.

SENATOR THOMAS, asked about adding "in another state" after the words Federal Court.

REPRESENTATIVE VICK, asked what sort of impact that amendment would have.

Rick Day, said if that change were made it would restrict them to people either charged or convicted in Montana.

SENATOR THOMAS, asked how it worked know with someone who was convicted of a federal crime. He wondered where they were housed before and after conviction.

Dave Culver, said the were housed in county jail prior to trial and following trial they would be there for a short period of time until transportation was arranged for them to go to a federal prison some place in the United States. He said if a prisoner wanted to come back to Montana after the had gone to federal prison they could talk to their counselor to arrange a trade.

SENATOR THOMAS, said he would feel better if the language "in another state" was put in.

REPRESENTATIVE MENAHAN, said he would support that amendment.

REPRESENTATIVE VICK, asked if this said charged or convicted in another state, if that meant the court was in another state or the crime was committed in another state.

SENATOR THOMAS, said if they were charged in a Federal Court in another state or convicted in a Federal Court in another state.

SENATOR GROSFIELD, made sure he was clear on the issue. It seemed to him that the issue was if they wanted to close off the option of any transfer of any prisoner to a private correctional

facility in Montana. He did not think it was economically responsible to close off that option.

Valencia Lane, explained some technical amendment that should be adopted.

Motion/Vote: REPRESENTATIVE MENAHAN made a motion that SENATOR THOMAS' SUGGESTED AMENDMENT DO PASS, carried unanimously.

SENATOR GROSFIELD, made a motion to strip the House amendments, but after some discussion withdrew the motion and made a substitute motion to put in an applicability date.

SENATOR VICK, said he would run into problems in the House if he did that.

Valencia Lane, didn't think an applicability date was a good way to solve the problem.

SENATOR GROSFIELD, withdrew his motion.

Valencia Lane, suggested some technical amendments.

Motion/Vote: SENATOR DOHERTY, moved VALENCIA'S SUGGESTED AMENDMENTS. MOTION CARRIED UNANIMOUSLY.

Motion: REP. VICK moved that SB 33 DO PASS AS AMENDED. Motion carried with Sen. Grosfield voting no.

ADJOURNMENT

Adjournment: 10:42 A.M.

SEN. FRED THOMAS, Chairman

SENATE FREE CONFERENCE

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PHOEBE OLSON, Secretary

BC/

EXHIBIT (frs80sb0033aad)